



## Measuring forced labour in an authoritarian context

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Measuring Forced  
Labour in an  
Authoritarian Context

# An Evaluation of ILO Third Party Monitoring in Uzbekistan

PROFESSOR KRISTIAN LASSLETT AND VANESSA GSTREIN



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# Executive Summary

## Executive Summary

The Government of Uzbekistan operates a system of forced labour which has been estimated to coerce approximately one million people annually into participating in the cotton harvest. Following courageous reporting, activism, and whistleblowing, the Uzbek government has committed at the highest levels to eradicating forced and child labour from the cotton sector.

One of the two crucial annual reports that both measures incidences of forced and child labour in the cotton sector, and attempts to diagnose strengths and weaknesses in Uzbekistan's reform effort, is produced by the International Labour Organization (ILO) through its third party monitoring unit stationed in Tashkent. Established through a Multi-Donor Trust Fund by the World Bank, with support from the European Union, the United States and Switzerland, the unit has produced three annual monitoring reports since 2015.

Following serious criticism of the third party monitoring methodology, ethicality and accuracy by civil society, the first author of this evaluation was invited by the ILO's Chief Technical Adviser to review the 2017 cotton harvest report. To conduct the review, benchmarks drawn from the international methodological literature and the ILO's own monitoring manual were employed. Once applied serious breaches were identified. A series of questions prompted by the review's initial findings was sent to the ILO's third party monitoring unit for clarification. No response has been received.

Among the greatest concerns raised during the review was a lack of explicit reference in the 2017 harvest report to the vulnerability of participants who may be victims of state-organised labour, the special sensitivities this prompts for research, or the complexities associated with conducting accurate fieldwork in a deeply authoritarian country where surveillance, arbitrary detention, torture, and repression are lived realities for citizens. Key shortcomings observed during the evaluation include:

1. The failure to obtain informed consent from vulnerable participants;
2. A high risk that cotton pickers did not freely participate in interviews;
3. The confidentiality of interviews and the anonymity of participants were not adequately secured;
4. Vulnerable participants' wellbeing was compromised, including being exposed to the risk of retaliation;
5. Data-collection was conducted under conditions that raise serious concerns over its accuracy;
6. Serious flaws were uncovered in the research design, methodology, and analysis, which potentially impacted on data-sets and associated factual assessments;
7. Clearly inconsistent and inaccurate information appeared in the 2017 harvest report suggesting weaknesses in quality control; and
8. There was a failure to ensure the third party monitoring team operated at arms-length from government in a way that would secure the report's real, and perceived, independence.

These flaws are of such a substantive and significant nature that they seriously undermine the credibility, accuracy, and ethicality of the ILO's 2017 harvest report. To remedy these errors, flaws and inaccuracies the following recommendations are made:

1. The ILO third party monitoring team should consider an alternative method to phone polls when attempting to estimate national incidences of forced labour to ensure the data is accurate, representative, and collected in a way that protects the rights of vulnerable participants. A triangulated approach needs to be used that draws on investigative methods and cotton picker testimony, freely secured through informed consent in a confidential, safe environment.
2. Preparation for, and execution of, field interviews with cotton pickers must give much greater attention to free participation, informed consent, anonymity, confidentiality, and special protocols for children. This requires greater levels of independence from government than is currently exhibited.

3. The third party monitoring team should cease practices that could expose participants' personal data. This includes recording personal information on insecure mediums and employing insecure modes of communication.
4. Anonymised data-sets should be published in full on the ILO website, and greater use should be made of analysed primary data in the report, to ensure full transparency.
5. When drafting the annual harvest report a transparent system of peer review should be used that draws on local and international expertise in the areas of forced labour and human rights, to strengthen rigour with respect to data-analysis and critical reflection.
6. It is essential that robust steps are taken to ensure the third party monitoring unit operates at arms-length from the state, and does not engage in any practice that would lead the public to question their objectivity, independence, or capacity to report on monitoring findings in an unadulterated fashion. This would include clearly differentiating between the unit responsible for monitoring incidences of forced labour and those responsible for building capacity in government and civil society.

# 1. Introduction

## Introduction

State organised regimes of forced labour, especially in the cotton sector, are among the most pressing human rights challenges confronting Uzbekistan. Around three million people are mobilised annually to harvest cotton (Andrees 2017; ILO 2017a). It is approximated that a third of this labour force has been recruited through a range of coercive practices primarily organised by state institutions, with public sector employees being seriously impacted (Human Rights Watch/Uzbek-German Forum for Human Rights 2017; ILO 2017a; Uzbek-German Forum for Human Rights 2016).

Owing to the courage and commitment of victims, activists, independent monitors, journalists, advocates, and whistle-blowers, often at great personal risk, a global spotlight has been placed on forced labour in Uzbekistan's cotton sector. Intense international advocacy from civil society, the private sector and public agencies, has prompted welcomed policy change at the highest levels within the Uzbek state. The Government of Uzbekistan has explicitly agreed to eradicate child and forced labour in the cotton sector.

Against this backdrop, in 2014 the International Labour Organization (ILO) signed an agreement with the World Bank, to undertake third party monitoring of forced and child labour in the cotton sector. This followed allegations that World Bank funding was facilitating projects linked to these illegal practices.

Third party monitoring involves a number of core activities (ILO 2018a: 9). They include:

1. Raising awareness of labour standards and rights in Uzbekistan.
2. Building government and civil society capacity to eradicate forced and child labour.
3. Assisting with the development and evaluation of the effectiveness of feedback mechanisms for reporting on incidences of forced labour and other abusive practices.
4. Monitoring incidences of child and forced labour in the cotton sector.

This activity is financially supported through a Multi-Donor Trust Fund established by the World Bank, with support from the European Union, the United States and Switzerland (ILO 2018a). Third party monitoring in Uzbekistan is administered through a special unit, based in Tashkent. The unit is led by its Chief Technical Adviser, Jonas Astrup, and Technical Officer, Oxana Lipcanu.

The ILO third party monitoring team has published detailed reports on the 2015, 2016 and 2017 harvests. While there is a thematic focus on monitoring child and forced labour in regions impacted by World Bank funded projects, third party monitoring has evolved into a national benchmarking exercise that measures incidences of forced and child labour both within World Bank project areas and beyond.

The annual third party monitoring report published by the ILO has a significant global impact on stakeholder perceptions and understandings of forced labour in Uzbekistan's cotton sector. Alongside the annual monitoring report produced by independent NGO, the Uzbek-German Forum for Human Rights, the ILO's findings are among one of the most cited sources for gauging progress in eradicating forced and child labour in Uzbekistan's cotton sector (see, for example, UNICEF 2016; United States Department of Labour 2016; United States Department of State 2018).

Serious concerns, however, have been raised over the methodology and ethical procedures employed by the ILO when conducting third party monitoring (see Uzbek-German Forum for Human Rights 2018). In light of these concerns, the ILO's Chief Technical Advisor invited Professor Lasslett to review the monitoring methodology and ethical procedure at a meeting convened by the Cotton Campaign in Washington DC on 19 March 2018.

To conduct the review, the authors (Lasslett and Gstrein) distilled benchmark standards for rigour and ethics from the methodological literature on research with victims of forced labour and cognate areas such as human trafficking. These standards are set out in section two. Complementing these benchmarks drawn from the international methodological literature is the ILO's own Monitoring Manual, published as Annex 1 to its 2015 harvest report. Produced by the ILO's Fundamental Principles and Rights at Work Branch, it establishes



principles for monitoring that are designed to underpin rigour and credibility.

Both benchmarks were used to assess the ILO's report on the 2017 harvest, which was published online on 1 February 2018. Following a preliminary review, a series of questions were sent to Jonas Astrup (ILO Chief Technical Adviser - Uzbekistan), Oxana Lipcanu (ILO Technical Officer – Uzbekistan), Beate Andrees (ILO Chief, Fundamental Principles and Rights Branch - Geneva) and Kari Tapiola (Special Advisor to the Director General of the ILO's International Labour Bureau - Geneva), on 19 June 2018, seeking clarification in a range of areas where concern had been raised. A reminder was sent on 17 July 2018. No response has been forthcoming.

Among the greatest concerns raised during the review was the lack of explicit reference in the 2017 harvest report to the vulnerability of participants who may be victims of state-organised labour, the special sensitivities this prompts for research, or the complexities associated with conducting fieldwork in a deeply authoritarian country where surveillance, arbitrary detention, torture, and repression are lived realities for all citizens (see, for example, Amnesty International 2015; Human Rights Watch 2011 & 2014; International Commission of Jurists 2013; Lasslett et al 2017). In particular, the evaluation points to the following issues:

1. The failure to obtain informed consent from vulnerable participants;
2. A high risk that cotton pickers did not freely participate in interviews;
3. The confidentiality of interviews and the anonymity of participants were not adequately secured;
4. Vulnerable participants' wellbeing was compromised, including being exposed to the risk of retaliation;
5. Data-collection was conducted under conditions that raise serious concerns over its accuracy;
6. Serious flaws were uncovered in the research design, methodology, and analysis, which potentially impacted on data-sets and associated factual assessments;
7. Clearly inconsistent and inaccurate information appeared in the 2017 harvest report suggesting weaknesses in quality control; and
8. There was a failure to ensure the third party monitoring team operated at arms-length from government in a way that would secure the report's real, and perceived, independence.

To assist remedy these serious shortcomings, a series of practical recommendations have been made which are summarised in the evaluation's final section.



## 2. International and ILO Guiding Principles

### International and ILO Guiding Principles

This section sets out benchmark standards distilled from the methodological literature on research with vulnerable participants, including victims of forced labour and human trafficking. These benchmarks are outlined in section 2.1. In section 2.2 an abridged version of the ILO's own principles for monitoring are presented.

#### 2.1. Best practice guidelines for conducting research with victims of forced labour

##### 1. Methodology and methods

- |                                  |  |
|----------------------------------|--|
| 1.1 Appropriate methodology      | <ul style="list-style-type: none"><li>• Information collection and documentation must be done in a way that is methodologically sound and meets the standards of the discipline and professional practice</li><li>• Consideration must be given to the vulnerability of participants in the development of methodological approaches e.g. the use of focus groups may not be appropriate for the sharing of sensitive information</li></ul>  |
| 1.2 Interviewers and translators | <ul style="list-style-type: none"><li>• Interviewers and translators (if used) must be carefully selected and appropriate to the context, including consideration of any gender or religious sensitivities</li><li>• Staff must have been trained in interviewing techniques and have appropriate communication skills</li><li>• Risks to research staff in the course of undertaking the research must be considered and acted upon, including having a security plan</li><li>• Consideration should be given to the needs of support staff who may be exposed to potentially traumatic information from participants</li></ul> |
| 1.3 Safe and appropriate space   | <ul style="list-style-type: none"><li>• Interview spaces should be both secure and private</li><li>• Participants should feel safe and not intimidated by the location for interviews</li></ul>  |
| 1.4 Management of data           | <ul style="list-style-type: none"><li>• Data must be kept in a secure manner and in keeping with the requirements for anonymity, de-linked from participants</li><li>• Particular consideration should be given to the risks associated with the digital collection of data, including privacy and security</li></ul>  |

##### 2. Ethical considerations

- |                      |   |
|----------------------|---|
| 2.1 Informed consent | <ul style="list-style-type: none"><li>• The process of obtaining informed consent is ongoing and continues beyond the initial giving of consent</li><li>• Participants should be made aware of the purpose of the research, methods used, the intended use of the data and expected outcomes</li><li>• Researchers should explore with participants any potential risks and benefits</li><li>• Participation must be fully voluntary and participants should have the right to withdraw at any time</li><li>• Obtaining oral consent may be more appropriate than written consent</li><li>• Consent must be given for the use of devices to record or store information</li><li>• The obtaining of informed consent should not be devolved to 'gatekeepers'</li></ul> |
|----------------------|---|

2.2 Anonymity and confidentiality	<ul style="list-style-type: none"> <li>• Participants' identities and confidentiality must be protected and the means by which this will occur should be discussed as part of the consent process</li> <li>• Any limitations to the issue of confidentiality must be raised with participants</li> </ul>
2.3 Compensation for participation	<ul style="list-style-type: none"> <li>• The provision of a fee for participation must be given careful consideration</li> <li>• Compensation for time, travel and lost earnings can be recognised but must be balanced against creating a sense of obligation or indebtedness on the part of the participant</li> </ul>
2.4 Well-being of participants	<ul style="list-style-type: none"> <li>• The principle to 'do no harm' should guide the actions of the researcher</li> <li>• Assess the risks associated with the participant's engagement in the research – including an assessment at the outset as to whether an interview should proceed</li> <li>• The safety of participants is paramount</li> <li>• Do not retraumatise: questions should be carefully formulated to avoid provoking emotionally charged responses</li> <li>• Ensure referral services are available locally for anyone disclosing information that may cause them trauma or have caused them trauma in the past</li> <li>• Serious harm protocols must be in place in the event of a disclosure relating to immediate and serious harm by a participant</li> </ul>
2.5 Working with children	<ul style="list-style-type: none"> <li>• In addition to the items above, consideration should be given to the particular vulnerabilities of children</li> <li>• Interview or survey instruments may need to be modified to ensure appropriate language is used</li> <li>• Researchers should be aware of any child protection issues</li> </ul>
2.6 Relationship with sponsors, funders, host governments	<ul style="list-style-type: none"> <li>• Roles, rights and obligations of all stakeholders should be clarified at the outset of the research and potential conflicts of interest should be identified and explored</li> <li>• Participants should be assured of researchers' independence from authorities</li> <li>• Researchers should seek assurance that access to participants is not conditional on any requirement to compromise professional or scholarly standards</li> </ul>

**Table 2.1 Guiding Principles:** These principles are drawn from Brunner 2018; Connolly 2003; ILO 2012; Jacobsen and Landau 2003; Lewis 2016; McKenzie, McDowell and Pittaway 2007; Pittaway, Bartolomei, and Hugman 2010; Refugee Studies Centre n.d.; Scott and Geddes 2016; Taylor and Latonero 2018; WHO 2003; WHO 2007.

## 2.2. ILO principles for monitoring

A Monitoring Manual was published in Annex 1 of the ILO's 2015 monitoring report. It was produced by the Fundamental Principles and Rights at Work Branch of the ILO. Below is an abridged version of the Principles for Monitoring set out in the manual. A full version of the principles are available from ILO 2015 ([available here](#)).

Principles	
3. Credibility	<ul style="list-style-type: none"><li>The information collected through the effort has to be trustworthy and cover the real/factual situation; only in this way can progress be made to improve the situation. This is achieved by working with qualified and trained staff with understanding of child and forced labour and monitoring techniques. Any visits to cotton fields, educational and medical facilities and other interviews need to be random and unannounced surprise visits.</li></ul>
4. Transparency	<ul style="list-style-type: none"><li>The methodology and process of monitoring, including the tools used and the content of this manual are shared with all necessary stakeholders. Similarly, the information produced through it is public information (once processed and made anonymous to protect confidentiality).</li></ul>
5. Neutrality	<ul style="list-style-type: none"><li>The monitoring effort is done in the spirit of neutrality with the absence of bias. Monitoring is not set to prove right or wrong any preconception or previous finding or allegation of the use of forced and / or child labour in the cotton harvest of Uzbekistan, but to find out the true state of affairs in relation to the realization of the fundamental labour rights of children and adults as prescribed by national legislation and ILO Conventions.</li></ul>
6. Reliability	<ul style="list-style-type: none"><li>The monitoring effort has to produce information worthy of reliance and trust. The data collected through the effort will not leave room for interpretation and will be purely factual. Monitors must not try to influence the responses of interviewees and must record accurately the responses given to them. In order to achieve reliability, a variety of research methods are applied, including direct observations, key informant interviews, survey questionnaires, photography and reviewing administrative records. ... Monitors will be triangulating information received from several sources in order to improve reliability.</li></ul>
7. Validity	<ul style="list-style-type: none"><li>Cotton fields/farms, educational and medical facilities and other sites are randomly sampled for visits ... Interviews are to be held in private and without the presence of employer or intermediaries (apart from interpreters). Interviewing needs an approach that allows those interviewed to speak freely and without fear.</li></ul>

8. Ethical	<ul style="list-style-type: none"> <li>The monitoring effort has to be in accordance with the ILO standards for right conduct and practice in monitoring child and forced labour. Special planning, consideration and arrangement is needed by monitors to organize a conducive monitoring environment. It must be ensured that information revealed by respondents does not lead to reprisals for them or their family. In order to ensure that the monitoring does not result in harm for anyone involved, no punitive measures shall be taken against monitors, respondents and their families. If such cases are heard of, they will be registered and reported. ... The information gathered during interviews will be recorded without the names and identities of the respondents, and information will be recorded without revealing identities (even the location may be hidden in the database where necessary to protect an individual's identity). Respondents are guaranteed to be free from repercussions for collaborating with monitors in terms of providing information. Repeat visits may be made to certain locations to check whether reprisals have been taken since the first monitoring visit. Monitors must not share monitoring information or their opinions with anyone outside their monitoring unit or the ILO Chief Technical Adviser (if necessary, via the ILO field monitor), either during or after TPM.</li> </ul>
9. Best Interest of the Child	<ul style="list-style-type: none"> <li>All adults involved in the monitoring have to do what is best for children. The best interests of children must be the primary concern in making decisions that may affect children.</li> </ul>
10. Get it Done at the Local Level	<ul style="list-style-type: none"> <li>When monitoring teams do find incidences or likely incidences of forced labour, or receive information suggesting threats or systematic demands for labour recruitment, monitors should record the facts on monitoring forms and alert the ILO monitor, who will report to the ILO Chief Technical Adviser. Where it is considered safe to do so and the individual concerned agrees, the monitoring unit may raise the matter with local authorities. In all cases, people (including children) may be advised to use the hotline access to the national feedback mechanism operated by the FTUU and Ministry of Labour</li> </ul>

**Table 2.2 ILO Principles:** Extracts taken from ILO 2015.

# 3. The ILO's 2017 Harvest Report: Key Concerns

## The ILO's 2017 Harvest Report: Key Concerns

This section draws on the principles acquired from the methodological literature cited in section 2.1, and the Monitoring Manual produced by the ILO's Fundamental Principles and Rights at Work Branch. These principles are employed as benchmarks in order to evaluate the rigour and ethicality of the 2017 harvest report produced by the ILO's third party monitoring unit.

The evaluation is sequenced moving from the particular to the general. First, data-collection methods are analysed, with a focus on those methods that potentially involve vulnerable participants, or indeed those who have been the victim of state-organised forced labour. Then consideration is given to data-analysis and more general issues relating to research design and independence. Throughout this section recommendations are made for remedying potential faults and failures in the third party monitoring process, that were evidenced in the associated ILO report.

### 3.1 Telephone poll

#### 3.1.1. Methodological concerns

A telephone poll was conducted during the 2017 third party monitoring process. According to the 2017 harvest report, the poll's aim was to ascertain awareness and use of certain feedback mechanisms being employed to improve accountability and reform in the cotton sector. However, for reasons that are not stated in the ILO report, a decision was made to use poll data in order to estimate country wide incidents of forced labour in the cotton sector. Using a random sampling method, approximately 800 phone interviews took place. The actual sample size is unclear in the report, a matter which is explored further below. Notably, this approach departs from the method previously used by the ILO's Fundamental Principles and Rights at Work Branch for measuring incidence of forced labour in Uzbekistan. The latter conducted 3500 household surveys, using probabilistic sampling. These household surveys involved interviews with 10,350 adults aged 18-50 (see ILO 2017a).

The telephone poll assumes a particular place of importance in the 2017 harvest report. It underpins some of the most significant factual and analytical claims featured in the headline paragraph of the report's executive summary. In particular, the ILO observe:

'The majority of pickers participated in the 2017 harvest on a voluntary basis. Data from the telephone poll indicates that 87% of cotton pickers did so voluntarily' (ILO 2018a: 16).

Given the significant weight placed by the ILO third party monitoring unit on telephone poll results throughout the 2017 harvest report, its methodology requires close scrutiny. A review of the ILO report points to a number of irregularities and shortcomings in research design and method.

>> *Research aim:* On p.16 of the 2017 harvest report the telephone poll's stated aim was 'to identify the perceptions, practices and awareness level of the population of Uzbekistan with regards to feedback mechanisms on issues related to employment and work conditions of the 2017 cotton harvest' (ILO 2018a: 16). On p.65 the aim is restated, but in this instance the aim of the poll is broader in character, looking at how the feedback mechanisms were used to report on employment and work conditions in the cotton sector and beyond: 'The aim of the telephone poll was to identify the awareness level and practices of the population of Uzbekistan in referring to feedback mechanisms with state authorities and social institutions on issues of employment and work conditions, including employment and work conditions in cotton harvesting in September - October 2017' (ILO 2018a: 65). Notably, in neither statement is the poll's aim to measure incidences of forced labour in the cotton sector at a national level. Nevertheless, in the 2017 harvest report the data-set produced through the telephone poll was used by the ILO to estimate national incidences of forced labour in the cotton sector. Clearly serious analytical (and ethical) issues arise when data collected for one purpose, is then subsequently employed for an end not envisaged in the original design process.

>> *Sample size:* Numerous inconsistent sample sizes are quoted in the ILO third party monitoring report. On p.14 it is stated that 'a telephone poll of over 1,000 randomly selected citizens of Uzbekistan was carried out' (ILO 2018a: 14). Several pages later both 'over 800' and '829' are quoted (ILO 2018a: 17-18). On p.65 the ILO states: 'The sample size was 800 respondents' (ILO 2018a: 65). This appears to be the planned number, the actual number is reported as 829 (ILO 2018a: 65). Yet two waves of interviewing totally 1279 participants are noted on p. 71, adjusted down to 1129 completed interviews once the

exclusion criteria was applied (ILO 2018a: 65 & 71). When this sample is then differentiated to show the total per call-center operator, the sample size actually adds up to 1253 interviews (ILO 2018a: 71). Compounding matters it is not clear from the report whether a filter question was used to ensure interviewees had participated, or had been asked to participate in the 2017 cotton harvest. Given that the aim of the telephone poll was to measure awareness of feedback mechanisms in the cotton sector and beyond, it is quite possible a filter question was not used (the questionnaire is not publicly available, and the ILO third party monitoring unit has not responded to requests for a copy of the questionnaire). If we assume this to be the case, then based on national labour data we would expect that approximately one quarter of the interviewees would have participated in the 2017 cotton harvest (ILO 2017a: iii). However, this approximation does not take into account the gender imbalance in the telephone poll sample. The poll sample was made up of 68% males and 32% females (ILO 2018a: 67), whereas according to ILO data nearly three quarters (71-2%) of cotton pickers were women (ILO 2017a: 33). It is possible, therefore, that much less than one quarter of the 800 interviewees polled actually participated in the cotton harvest, which would raise serious concerns over how representative and accurate the telephone data is at a national level.

>> *Participation and data-accuracy:* The Government of Uzbekistan operates a widely feared surveillance apparatus. According to Privacy International the security services ‘systematically eavesdrops on citizens’ communications over e-mail, mobile phone and Skype, in online forums, and social networks’ (Privacy International 2015; see also Bastashevski 2015). The ethical implications associated with exposing vulnerable participants to an insecure method of communication will be considered in the next section. However, from a data-accuracy perspective, the systematic surveillance of communications in Uzbekistan seriously impacts on mobile telephone user habits. Crucially it curtails how willing participants would be to share sensitive information over the telephone, especially when it involves informing on abuses perpetrated by the government. Reluctance to share information would be heightened further by an unsolicited telephone call, from an unknown party. These methodological issues are not mentioned or addressed at all by the third party monitoring team in the 2017 harvest report.

>> *Interview length:* The telephone poll consisted of 25 questions. The ILO reports that the ‘average length of a conversation was 10 minutes’ (ILO 2018a: 71). This would appear insufficient in length to properly brief individuals on the study and their rights as participants. If we assume that at a minimum three minutes was required in order to complete introductions, explain the purposes of the poll and inform participants of their rights, each question and answer lasted on average, 16.8 seconds. Given the rapid speed at which polls were seemingly conducted, it is unclear whether questions were delivered at a modest pace that would facilitate their full comprehension, with the participant given adequate time to seek clarification, reflect and thoughtfully offer an answer. The interview length is also not indicative of trust or rapport between researcher and participant.

>> *Poll Survey Sub-Contractor:* The ILO states: ‘The telephone poll was conducted by an independent private service provider according to international standards’ (ILO 2018a: 14). No bibliographical reference is made to the particular international standard cited here by the ILO third party monitoring team. The identity of the private service provider is not disclosed in the report either. It is impossible, therefore, to verify (a) their standing within the research community; (b) their independence, in a national commercial environment where private success is frequently premised on connections to power-brokers in government; or (c) their previous experience of conducting research with vulnerable participants, including victims of state organised human rights abuses. Therefore, on the face of the report it is not clear whether the poll was conducted on an independent basis; what international benchmarks were used; or, whether the subcontractor had experience appropriate to the study being conducted.

In light of the above weaknesses in research design, sample and data-collection method, the credibility of all factual and analytical claims made on the basis of the poll must be held in serious doubt. Given that the telephone poll was used to underpin some of the report’s headline statements, which are now informing international policy (United States Department of State 2018), these flaws have a heightened importance.

**Breaches:** The telephone poll would appear to breach the following principles set out in section two: 1.1 (appropriate methodology), 1.3 (safe and appropriate space), 3 (credibility), 4 (transparency), 6 (reliability), 7 (validity).

**Remedy:** The ILO third party monitoring team should consider an alternative method to phone polls when attempting to estimate national incidences of forced labour, such as household surveys. Research teams involved in these surveys should be explicitly trained in ILO standards for conducting research on forced labour. Their independence needs to be clear and protected. All surveys should be conducted in a secure and private environment, where participants can be confident that their right to confidentiality and anonymity is protected. Adequate time should be allowed for explaining the study, obtaining informed consent and conducting the survey. However, even in these circumstances it needs to be recognized that as with many crime surveys on sensitive subjects there will be a dark figure that exceeds what is recorded in the survey data-set. In a political context such as Uzbekistan which has suffered from long-term repression, surveillance and denial of basic rights, it is extremely difficult for victims of state abuse to disclose information, especially to strangers. Therefore, attempts need to be made to factor this in, rather than simply ignoring it. Methods should be considered that would help build rapport and trust with households, drawing on best practice examples globally. Triangulation should also be employed to strengthen the validity of the data-set. An important focus could here be placed on soliciting documentary and oral data using probing investigative methods, including where available whistleblower testimony, and leaked documents.

### 3.1.2 Ethical concerns

The telephone poll was conducted through a random sample of the national population. It can be reasonably anticipated on the basis of existing data-sets on gross human rights abuses in Uzbekistan that the sample population would contain participants who have been victims of forced labour, and other forms of traumatic abuse perpetrated by the state. This places a series of onerous ethical obligation on the ILO research team. They include:

- >> *Avoid harm:* Receiving an unsolicited phone call from an individual asking questions relating to abuses perpetrated by the government is foreseeably likely to cause distress and anxiety for citizens living in a political context such as Uzbekistan. This distress and anxiety would be heightened if the individual has been the victim of abuse in the past. No explicit consideration is given in the report methodology to this foreseeable form of harm, nor therefore is an explanation given as to what steps were taken to avoid and/or manage this type of risk. It is also

not clear from the report if those participants who solicited information suggesting they had been the victim of abuse, were provided with information on secure services they could access to address their situation.

- >> *Informed consent:* It is essential that participants, especially vulnerable participants who may have been victimized by the state, provide informed consent before participating in an interview. Participants should be informed of the study aims and anticipated outputs. Given the ILO third party monitoring unit's own lack of clarity in the former respect (see 3.1.1), it is unclear whether participants were properly informed about the aims of the study, or indeed how their data would be used. Additionally, participants should be informed of their rights, and any potential risks associated with involvement in the study. As the ILO unit appears to be unaware of the risks they were exposing participants to (see below), it is unlikely participants were informed of the risks associated with providing data on state abuses over an insecure method of communication. Also, as phone interviews lasted on average 10 minutes, which includes a 25 question survey, it would appear minimal time was allowed to substantively obtain informed consent. Given the above concerns there is a high risk that survey data acquired through telephone interviews was obtained without informed consent.

- >> *Confidentiality:* Standard mobile telephone communications is a notoriously insecure form of communication in Uzbekistan. It appears from the report methodology that the ILO team did not use end-to-end encryption services which are provided through applications such as Telegram (which is a popular secure medium used in Uzbekistan), that could have provided some data-protection for participants. In which case the ILO has failed to safeguard the confidentiality and right to anonymity of participants, and has potentially exposed them to retaliation. On the face of the report no subsequent steps were taken by the ILO to ensure that those who participated in this insecure form of communication did not subsequently face repercussions, after soliciting sensitive information on state abuses.

- >> *Child participants:* While the ILO report indicates that some interviews were ended after the interviewer discovered the participant was under the age of 18, there remains a risk that children were included in the sample. Because the ILO team elected to use a telephone poll to gauge national



incidences of forced labour, it had no way of verifying whether the respondent was a child or adult. If a child was interviewed, this would ordinarily require a special survey with appropriate language, bespoke informed consent procedures, and clear disaggregation in the data between child and adult respondents.

>> *Trained staff:* When conducting interviews with vulnerable participants who may be victims of state crime, it is essential that those conducting interviews are experienced researchers who have specialised training in the area. The ILO report states that 12 out of the 14 call-center operators involved in conducting telephone interviews were given a single day of training (ILO 2018a: Annex 6). The agenda for this day of training does not explicitly mention key phrases such as vulnerability, informed consent, privacy, harm, or confidentiality. It is unclear, therefore, whether such crucial topics were covered in the training. Whilst the report does state the call-center operators were experienced, it does not elaborate on the nature and relevance of that experience. For instance, a telemarketing poll is extremely different in character to a victim survey; experience in the former does not translate into experience in the latter. Because the ILO third party monitoring unit does not state in its report who the sub-contracting party was – and has not responded to queries from the authors – it has been impossible to verify their experience in this sensitive area.

**Breaches:** The telephone poll would appear to breach the following principles set out in section two: 2.1 (informed consent), 2.2 (anonymity and confidentiality), 2.4 (well-being of participant), 8 (ethical), 9 (best interest of the child).

**Remedy:** The ILO third party monitoring team should consider an alternative method to phone polls when attempting to estimate national incidences of forced labour, such as household surveys. Research teams involved in these surveys should be explicitly trained in ILO standards for conducting research on forced labour. Their independence needs to be clear and protected. All surveys should be conducted in a secure and private environment, where participants can be confident that their right to confidentiality and anonymity is protected. Adequate time should be allowed for explaining the study, obtaining informed consent and conducting the survey. However, even in these circumstances it needs to be recognized that as with many crime surveys on sensitive subjects there will be a dark figure that exceeds what is recorded in the survey data-set. In a political context such as Uzbekistan which has suffered from long-term

repression, surveillance and denial of basic rights, it is extremely difficult for victims of state abuse to disclose information, especially to strangers. Therefore, attempts need to be made to factor this in, rather than simply ignoring it. Methods should be considered that would help build rapport and trust with households, drawing on best practice examples globally.

### 3.2. Monitor interviews

On-site monitoring of the cotton harvest was conducted by 11 ILO experts. The third party monitoring unit states that field monitoring focused ‘on assessing how the commitments made by the Government of Uzbekistan to eliminate risks of child labour and forced labour were implemented, how the systems of risk reduction and management operate, and how efficient they were in having an impact on vulnerable people’ (ILO 2018a: 14).

Using eight questionnaires in total it is reported that ‘over 3,000 interviews were conducted with Khokimiyats, officials of ministries and accredited organizations, directors of educational and medical facilities, farmers, cotton pickers and brigade leaders, public and private sector organizations, professional and non-professional staff, students and pupils’ (ILO 2018a: 15). This is a smaller sample size than 2015 when 9,620 interviews were conducted (ILO 2015), but more than 2016 where approximately 1,700 interviews were conducted (ILO 2017b). The rationale for significant variation in sample size is not stated in the report.

Monitoring teams consisted of 1 x ILO expert, 1 x representative of the Federation of Trade Unions of Uzbekistan (a quasi-government labour entity), 1 x interpreter, and 1 x driver. Interviews were conducted by the ILO expert presumably with an interpreter where needed, although this is not explicitly stated (ILO 2018a: 15).

#### 3.2.1. Methodological concerns

Based on the information provided on methodology in the 2017 harvest report, a number of concerns were identified with respect to field monitoring:

>> *Sample-size and method:* The ILO states that over 3000 interviews were conducted during the monitoring process involving eight distinct stakeholder groups, one of which are cotton pickers (ILO 2018a: 14). The report states: ‘...over 3,000 unaccompanied interviews [were conducted] of cotton pickers, farmers, managers/staff of education/health care institutions and local authorities on the ground throughout Uzbekistan’ (ILO 2018a: 14). However, the ILO press release

states that cotton-pickers formed the sole target of the 3000+ interviews: 'The report Third-party Monitoring of Measures against Child Labour and Forced Labour during the 2017 Cotton Harvest in Uzbekistan is based on more than 3,000 unaccompanied and unannounced interviews with a representative sample of the country's 2.6 million cotton pickers' (ILO 2018b). This would appear overtly misleading. No breakdown of the interview sample is provided in the report that disaggregates between the eight target groups. Nor is information provided on the sample method used to ensure it was representative. Nevertheless, the ILO unit maintains in its report that the data-set was both 'comprehensive and representative' (ILO 2018a: 14).

>> *Data-collection method:* Previously the ILO third party monitoring team has employed a separate questionnaire for young people under the age of 18 involved in cotton picking (ILO 2015). This year a single questionnaire was used for cotton pickers. Special procedures should be used with child participants to ensure they fully understand the questions and nature of the research. The removal of a specially designed survey for children, may have impacted on the accuracy of the data collected. It is also stated by the ILO that 'questionnaires used for interviews were reviewed and streamlined to allow for more efficient interviews and better analysis' (ILO 2018a: 14). No specific information is provided on what constitutes a more efficient interview or better analysis. The questionnaire for cotton pickers states that the interview will be approximately 15 minutes in length. In total 63 questions are to be asked during this estimated 15 minute period. This would entail on average each question and answer was given within 14.3 seconds, including translation, where needed. It is difficult to imagine that this would allow participants adequate time to fully understand questions, and then provide a reflective response.

>> *Accuracy of data:* It is clear from public speeches, media presentations, and policy announcements that the Mirziyoyev government wishes to present an image, both domestically and internationally, that state organised forced and child labour is no longer a reality in Uzbekistan. Soliciting data through interviews which contest the accuracy of the government's stated position is a serious matter in a highly authoritarian political context such as Uzbekistan, that could have repercussions for participants. Indeed, unsanctioned criticism of the government can lead to arrest, imprisonment

and torture (see, for example, Amnesty International 2015; Human Rights Watch 2011 & 2014). This is a reality citizens are aware of, and forms the formidable backdrop to monitor interviews. There is no acknowledgement in the report of this challenging political context, or the consequences it may have when conducting interviews with vulnerable participants. Compounding matters one member of the monitoring team present at field sites was a Federation of Trade Unions of Uzbekistan (FTUU) representative. The FTUU is a body that is widely viewed as a quasi-governmental vehicle whose representatives are public officials in everything but name. Indeed, Borisov and Clarke (2006) argue that the FTUU has 'retained all of the structures and practices of the Soviet era intact', including its 'complete absorption' into 'the state apparatus'. With respect to cotton, the FTUU has been directly implicated in both pressuring people to participate in the harvest, and reprisals directed against whistle-blowers (see Uzbek-German Forum for Human Rights 2018). While FTUU officials did recuse themselves from monitor interviews, they were on-site. Participants were then handed a formal government document by the ILO expert sanctioning the research, another visible reminder of the state's authority. No explicit consideration was given in the report to how these political cues may have impacted on vulnerable participants. Additionally, no information was provided on where interpreters were recruited from, or whether they were state employees. Nevertheless, interviews conducted with one or two strangers, armed with formal government documentation issued by an autocratic regime, who were accompanied to the field site by a quasi-government organization, would appear a foreboding setting for supplying sensitive data in a political context such as Uzbekistan. There is a high risk this impacted on the data provided by cotton pickers (see also 3.3).

>> *Training of monitoring team:* While it is assumed the ILO experts are trained professionals with expertise in conducting interviews with vulnerable individuals who may be the victim of forced labour, it is unclear from the report whether appropriate training was given to other members of the monitoring team. In particular, given that interpreters were potentially involved in the interviewing process, it would be essential for them to be trained in the sensitivities associated with this particular type of research.

>> *Data-Analysis:* The ILO did not publish the full data-set emerging from 2017 field survey. It is impossible, therefore,

to fully evaluate data-analysis techniques, or to engage in a secondary analysis of the primary data-set. However, some general observations are made in section 3.3.

**Breaches:** Monitoring interviews conducted with cotton pickers would appear to breach the following principles set out in section two: 1.1 (appropriate methodology), 1.2 (interviewers and translators), 1.3 (safe and appropriate space), 1.4 (management of data), 3 (credibility), 4 (transparency), 6 (reliability), 7 (validity).

**Remedy:** Field interviews must be conducted in a private setting. No government or quasi-government official should be part of the monitoring team. Adequate time must be afforded for the interview to ensure each question is understood, and meaningful answers can be provided. Where possible independent local monitors, with a strong understanding of the local context, should be used so interpreters can be dispensed with. Where interpreters are needed they should be trained appropriately. Clear and explicit consideration should be given to sample size, disaggregated by stakeholder group, to ensure they are representative. A full and more transparent account should be made of sampling method and the data-sets.

### 3.2.2. Ethical concerns

Based on an evaluation of the 2017 harvest report, the conduct of monitoring interviews with cotton pickers raises a number of serious ethical concerns:

>> *Free participation:* It is essential that individuals are not coerced into participating in the study. This is a difficult goal to achieve in an environment such as Uzbekistan, marked as it is by authoritarian rule, strong state surveillance, and the denial of basic freedoms. Complicating matters the ILO third party monitoring unit has closely associated itself with the Government of Uzbekistan, acting as a vocal champion of its reform efforts in media and public engagements (see 3.4). While this is potentially a powerful strategy for achieving goals with respect to capacity building and compliance, in a context such as Uzbekistan it erodes the ability of the ILO to present itself as independent actor, at arms-length from government (see further 3.4). Given that the ILO team also arrive at the cotton field with a quasi-government representative, and provide participants with a formal state document sanctioning the study, there is a serious risk that cotton pickers will feel compelled to participate in the interview believing it is expected by the regime. No explicit consideration is given to this risk in the report, nor therefore is attention given to steps that might be undertaken by

monitors to mitigate against this risk. In the 2015 and 2016 harvest though concerns were explicitly raised by the ILO indicating participants were being coached on how they respond to monitoring questions – suggesting some form of state coercion was at play. Nevertheless, the ethical implications of this were not examined. To the contrary, state officials coaching participants on what to say to monitors is viewed by the ILO third party monitoring team as a valuable learning opportunity, which ‘has the advantage of raising awareness of the issue of child and forced labour’ among coached participants (ILO 2017a: 8). Furthermore, rather than questioning the value of data delivered under such conditions the ILO third party monitoring unit states ‘ILO experts can simply record what they observe and are told; it is not possible for them to verify the information received, though triangulation of information has been attempted whenever possible’ (ILO 2017a: 8).

>> *Informed Consent:* No mention is made in the report, or annexures, of cotton pickers being provided with an information sheet, or an oral explanation of the monitoring process and how their data will be used. The short introduction included in the interview questionnaire used for cotton pickers is notably vague in this respect. It states: ‘I and my staff hold talks and fill out anonymous questionnaires in the regions of Uzbekistan with representatives of various organizations. These interviews are legal and conducted based on agreement between Ministry of Labour, Chamber of Commerce and Industry and Federation of Trade Unions of Uzbekistan on the one hand and on the other hand - the International Labour Organization. Here is the document that confirms this (HANDLE [sic] SUPPORT LETTER). Anonymous questionnaires are filled with answers from thousands of people like you. Therefore, even if you want I can not specify your name and surname. And the results of the questionnaires will be presented as % of respondent answers’ (ILO 2018a: 56). If this is the only information supplied to participants, it falls well short of what would be required to achieve the ethical principle of informed consent.

>> *Confidentiality and anonymity:* Cotton-pickers were assured that their data would be collected in an anonymous fashion to ensure interview confidentiality. However, the questionnaire used for cotton-pickers records the first name and telephone number of participants. This personal data could reveal the identity of participants if accessed by a third party. The implications of this will be discussed further under

data-privacy. Additionally, it was stated in the 2017 harvest report that: 'When the ILO TPM team was made aware of individual situations [during monitoring] that could have consisted of a breach of law or contractual arrangements... when appropriate, it transmitted these cases to the FTUU and Ministry of Employment feedback mechanisms for follow-up. The information was shared with the World Bank for further dissemination to Project Implementation Units and other project stakeholders where such cases related to World Bank project sites' (ILO 2018a: 16). The report does not state whether consent was obtained from participants before their information was provided to external bodies. There is evidence to suggest that those using feedback mechanisms have in some instances faced retaliation; there is stronger evidence that people fear this to be the case (Uzbek-German Forum for Human Rights 2018). No explicit consideration is given in the report to any risks participants face when their information is passed to external parties, or whether they consented to this act, in an environment where many fear using the feedback mechanism.

- >> *Data privacy:* The questionnaires used to conduct interviews with cotton pickers, contained potentially sensitive data provided by vulnerable participants on matters relating to serious rights violations by the state. Additionally, the questionnaires collected personal information that could reveal the identity of participants. No information was provided by the ILO unit on how they secured this personal data. Given the extremely serious concerns that have been raised over the abuse of surveillance powers by the Government of Uzbekistan, data protection would require that onerous precautions are taken especially in-country to ensure that all hardcopy data was secure, and all digital data was encrypted in formats that could withstand government hacking capabilities.
- >> *Best interest of the child:* Research that includes children must be conducted in a manner that considers their particular vulnerabilities and the methodology and instruments should be adapted accordingly. It is of concern that the questionnaire for conducting interviews with cotton pickers does not seek to establish the age of the participant until the end of the interview, at question 55 and only then if the interviewer perceives the age of the participant to be 'visually less than 18 years' (ILO 2018a: 63). The interviewer is then instructed to 'call anyone nearby and ask' the age of

the respondent (ILO 2018a: 63). This would clearly breach the participant's right to confidentiality and anonymity, as well as raising concerns over whether a secure and private environment is being made available for these sensitive interviews. In addition, the ILO third party monitoring unit must have a clear ethical protocol for what action is to be taken in these circumstances that protects the well-being of the child. The series of options marked in the questionnaire do not suggest that there is clear guidance as to what the interviewer is to do should it be disclosed that a child is working.

**Breaches:** Monitoring interviews conducted with cotton pickers would appear to breach the following principles set out in section two: 2.1 (informed consent), 2.2 (anonymity and confidentiality), 2.4 (well-being of participants), 2.5 (working with children), 2.6 (relationship with sponsors, funders, host government), 5 (neutrality), 8 (ethical), 9 (best interest of the child).

**Remedy:** Explicit attention should be paid by the ILO third party monitoring team in the planning phase to the question of free participation. Extensive consideration should be given to the different ways individuals may feel pressured to participate in interviews, with appropriate steps taken to remove factors that may reduce the ability of participants to freely consent. Distancing the monitoring team from governmental agencies, and providing potential participants with detailed information on the study would contribute towards an environment conducive towards informed consent and free participation. This requires that appropriate amounts of time are allocated to explaining the study, its purposes, and participant rights. Crucially participants must be in a position of making an informed decision, where it is clear that they will suffer no negative consequences for refusing to participate. Participant's personal data should not be collected unless the ILO has in place secure technologies through which to store the information, and consent has been given by participants. Data given by participants should not be used for purposes other than those agreed to, without first obtaining explicit consent for this new use. Child participants need to be identified at the start of the interview process, not at the end. Their right to anonymity and confidentiality should not be breached. Special protocols should be in place to ensure they are able to freely provide informed consent, and have access to a questionnaire that is expressed in terms they can readily understand.

### 3.3.Data analysis

Evaluation of the analysis conducted by the ILO third party monitoring team was difficult as the data-sets on which the report was based have not been published. Even in the 2017 harvest report, there was limited dissemination of primary data obtained from the monitoring questionnaires or telephone poll. Ordinarily it would be expected that key questions, anonymized responses, and frequencies broken down by demographic variation would be presented in a report (see for example ILO 2017a). These were largely absent.

However, where some insight into the data yielded from questionnaires and surveys was presented, there were instances of analysis lacking in critical reflection, or which was in fact incongruent with the data that had been presented. In the latter respect, for example, the ILO third party monitoring unit reported that 37 queries relating to forced labour in the cotton sector had been submitted to feedback mechanisms set up by the Ministry of Employment and Labour Relations and the FTUU. These feedback mechanisms have been established and promoted, in part, to provide an effective means of soliciting advice and redress to victims of state-organised forced labour. If we take these 37 queries as a percentage of the total population which the ILO estimates were victims of forced labour in the 2017 harvest – which for reasons noted above, likely underestimates the real total – only 0.011% of those forced to labour reported this abuse through the feedback mechanisms. It is unclear whether the ILO's own referrals to the feedback mechanisms during third party monitoring were included in the 37 tallied in the 2017 harvest report. Despite this statistic, the ILO surprisingly finds the feedback mechanisms are proving an effective method for addressing abuses in the cotton sector, encouraging greater investment (ILO 2018a). Yet the data much more strongly points to the fact victims are not using the feedback mechanism. This finding provides an opportunity for critical reflection and further diagnosis. Is it reflective of a lack of trust in government agencies; is it connected to fear of reprisals; is it linked to the well known surveillance of telephone calls; is it connected to the fact only approximately one quarter of the population are aware of the feedback mechanism; or is it a combination of these factors, and others? Such critical reflection is lacking in the ILO report.

To use another example, despite the serious limitations associated with the telephone poll which would have almost certainly led to the underreporting of forced labour, it is still estimated that 336,000 people were forced to labour in the 2017 cotton harvest. This significant figure did not appear in the

report's Executive Summary or the associated Press Release. The Executive Summary states: 'The annual cotton harvest in Uzbekistan is a unique large-scale effort. In 2017, an estimated 2.6 million people were recruited to pick cotton during a period starting in September and stretching out to early November. Most cotton pickers were recruited voluntarily, with the added encouragement of raised wages. A certain number pick cotton during at least some part of the harvest as a result of persuasion, pressure or coercion' (ILO 2018a: 4). 'A certain number' implies dozens or perhaps hundreds, when even by the ILO's own reckoning it was 336,000, which by any standard is a significant number of people being forced to labour.

Examples also exist where there was a clear lack of critical reflection. During the 2017 cotton harvest, the ILO reports that an order was issued by the Uzbek government to recall 'a high number of students, teachers, nurses and other health workers' who had been forced to labour in the harvest (ILO 2018a: 28). The 2017 harvest report observes: '...the recall can be seen as another major step towards ending forced labour in a critical sector of the economy of Uzbekistan' (ILO 2018a: 29). Despite the extensive pre-harvest activities that were undertaken, including by the ILO, it is clear a high number of public sector employees were still being recruited forcefully. There was an absence in the report of any substantive attempt to diagnose the organizational causes of this problem, and therefore how these causes could be remedied in the future.

A similar absence of critical reflection could be found with respect to the ILO's methodological findings. For example, in its 2016 harvest report, the ILO observed: 'As in previous years, getting beyond what ILO experts were given to hear was at times difficult. Many interviewees appeared to have been briefed in advance' (ILO 2017b: 8). This echoed more substantive comment made in the 2015 report:

*... getting beyond what monitors were supposed to hear was sometimes difficult. Interviewees were circumspect talking to an official-looking group of monitors. Some retracted their words when justifications were unconvincing. Others were unable or unwilling to substantiate their answers. In the ILO's experience, this is unsurprising because in such interviews almost no one will directly admit to either being a forced labourer or forcing someone else to work. Instead, interviewees were more willing to say that they knew of others who were told to pick cotton against their will than to say that they were in such a situation themselves. (ILO 2015: 6)*



Yet the 2017 report, by contrast, notes: ‘Compared to previous years all ILO experts reported that people they interviewed as a rule appeared confident and willing to openly share their thoughts and information with the ILO monitors’ (ILO 2018a: 20).

There is no subsequent discussion of this extremely surprising finding. It would appear reasonable to ask how, in the space of a year, does a research context marked by fear, anxiety, surveillance, and repression – which is a microcosm of a broader political environment shaped by decades of authoritarian rule – abruptly undergo a complete transformation, that is counter to the broader political environment in which interviews take place. The third party monitoring unit’s surprising finding, also contrasts with findings produced by other organisations engaged in monitoring the 2017 cotton harvest, where notable evidence of coaching and threats was indeed uncovered (Uzbek-German Forum for Human Rights 2018). The failure to probe this extremely surprising shift in the research environment weakens the credibility of the findings.

**Breaches:** Third party monitoring data-analysis would appear to breach the following principles set out in section two: 1.1 (appropriate methodology), 4 (transparency), 6 (reliability).

**Remedy:** Anonymised primary data-sets should be published in full on the ILO’s website. Detailed analytical breakdowns of primary data should be included in the ILO third party monitoring report. A peer-review process involving international experts in the area of forced labour and human rights should be employed to strengthen data-analysis and critical reflection. Peer-reviewers should be secured through an open call, using a transparent appointment process.

### 3.4. Independence and objectivity

If the third party monitoring of forced and child labour in Uzbekistan’s cotton sector is to yield credible findings it is essential that the responsible ILO unit operate at an arms-length from the Government of Uzbekistan. This is necessary for safeguarding their independence and neutrality. All of which are fundamental ramparts for building relations of trust and confidentiality with victims, vulnerable participants, and the wider national population, from whom meaningful data can be obtained. It is also an essential foundation for producing rigorous results which has credibility in the eyes of key stakeholder groups. However, it is a complicated task. On the one hand, the Government of Uzbekistan is the perpetrator of the human rights abuses witnessed in the cotton sector, yet at the same time it is

a partner in the third party monitoring process, which formally sanctions the ILO’s work. This in itself creates a difficult situation that raises questions over the ILO’s ability to act independently when conducting third party monitoring.

The ILO’s capacity to act in an independent and arms-length manner is further reduced by the third party monitoring design, which generates multiple conflicts of interest. Under third party monitoring the ILO has agreed to help build the government’s capacity to eradicate child and forced labour in the cotton sector. The ILO is also charged with independently evaluating how effective these governmental measures have been at reducing and ending forced labour.

This creates at least two potential conflicts of interest.

First, the ILO is in effect responsible for evaluating, in part, how successful its own capacity building and training efforts have been. This is brought home most visibly on p.10 and p.14 of the 2017 harvest report, where the same organisations that feature in ILO trainings delivered by the third party monitoring team to strengthen capacity, are then interviewed by a supposedly independent ILO third party monitoring team to gauge whether this training, among other factors, is yielding results.

Secondly, any findings yielded from monitoring data that suggest the Government of Uzbekistan is failing in its commitment to end forced and child labour, if reported in a robust manner, could fatally undermine the ILO’s ability to build capacity within government in the future. Capacity building relies on the strong levels of trust and rapport built up by the ILO team. Embarrassing the Government of Uzbekistan with unfavourable findings would undermine this relationship.

These conflicts of interest need to be explicitly acknowledged by the ILO team, and a convincing argument made for how they can be handled without undermining the credibility and validity of third party monitoring data-sets and analysis.

It is also important that steps are taken that clearly protect the ILO third party monitoring team’s independence. A crucial pillar of independence is the ability to operate at arms-length from parties whose conduct is being monitored. This is especially the case in a political context such as Uzbekistan. Decades of authoritarian rule, marked by surveillance, repression, and the denial of political opposition, has created a social environment where citizens as a matter of self-preservation must be careful of what they say, who they say it to, and the medium used to

transmit information. This is reflective of a broader environment of suspicion that comes with the systemic abuses of power that have marked the Uzbek state since independence.

Against this backdrop, it is crucial for the legitimacy of third party monitoring results, that the ILO team demonstrate actively that they:

1. are independent from the Government of Uzbekistan;
2. are an objective party who enter the field with no preconceptions; and
3. can be trusted to securely receive and store sensitive data provided by vulnerable participants, at risk of retribution.

The ILO's capacity to achieve this in Uzbekistan has been undermined in part by the third party monitoring design, pointed to above. However, this has been exacerbated further by the ILO third party monitoring unit's leadership. Through social media accounts, mass media appearances, and public presentations, the ILO third party monitoring unit has vocally championed the Mirziyoyev government and its efforts to eradicate forced labour in the cotton sector, before systematic results are to hand confirming commitments have translated into tangible, sustainable and pervasive results. It appears on the face of these public statements that the third party monitoring team has placed a strategic premium on encouraging/applauding the government, and cementing its working relationship with public officials, over and above ensuring the third party monitoring unit is seen as an independent body, operating at arms-length from the authoritarian regime, with an uncompromising commitment to transparently reporting on the forced labour situation in Uzbekistan, without fear or favour.

This approach adopted by the third party monitoring unit is exemplified most acutely by the unit's lead, who uses twitter to (i) applaud the Mirziyoyev government's role in eradicating forced and child labour; (ii) champion broader government reforms; (iii) promote the business environment cultivated by the Uzbek state; (iv) share data that selectively focuses attention on those who voluntarily participate in the cotton harvest; (v) retweet media articles and reports favorable to the Uzbek government; (vi) challenge those placing a spotlight on the forced labour problem in Uzbekistan; (vii) challenge those raising concerns over the harassment of independent cotton harvest monitors; and (viii) challenge those drawing attention to the deleterious human rights record of the Uzbek state (see @AstrupILO).

Compounding matters, the ILO's capacity building activities with government, which takes place before, and during, the cotton harvest monitoring, are publicly promoted through PR images and videos that feature ILO and state officials in close and friendly encounters. Subsequently when ILO experts arrive in the cotton field, the team includes a quasi-government official. Cotton pickers are then provided with state documentation sanctioning the research.

In this context, the line between government and the ILO third party monitoring unit becomes difficult to distinguish. This increases the likelihood that cotton pickers, and other stakeholders, will (a) feel compelled to participate in the third party monitoring research, whether they wish to or not; and (b) will submit information that tallies with formal government policy, which may not be the same as substantive reality. The third party monitoring unit's public stance also places a question mark over their ability to independently and critically interpret monitoring data. Combined, these issues serve to reduce the credibility of ILO third party monitoring findings.

**Breaches:** The design and implementation of third party monitoring would appear to breach the following principles set out in section two: 1.2 (interviewers and translators), 1.3 (safe and appropriate space), 2.6 (relationship with sponsors, funders, host government), 3 (credibility), 5 (neutrality), 6 (reliability).

**Remedy:** A clear organizational distinction needs to be made between the entity responsible for training, capacity building, and awareness, and the entity responsible for measuring the Uzbek state's progress in eradicating forced and child labour. The teams and entities responsible for either activity should be visibly and practically distinct. The entity and team responsible for measuring progress in eradicating forced and child labour should be arms-length from government at all stages. The team should conduct themselves in public and private in a manner that would strengthen public confidence in their objectivity and independence. They should be at liberty to report their findings independently and robustly.



## 4. Conclusion and Recommendations

### Conclusion and Recommendations

The struggle to end forced and child labour in Uzbekistan has made remarkable progress over the last decade. Credit for this in large part goes to the bravery and determination of victims, activists, independent monitors, journalists, advocates, and whistle-blowers, who at great personal risk, have cast a global spotlight on this serious form of state criminality. Their efforts have prompted a welcomed change in government policy and practice in Uzbekistan. The ILO third party monitoring unit has entered this process as an organizational entity which can potentially help amplify and safeguard the progress made to date. There is evidence to suggest that the ILO has successfully built a relationship of trust and rapport with the Government of Uzbekistan, which has created the space to engage in meaningful dialogue and capacity building. This will likely help buttress the progress witnessed over the past three years.

However, if the movement towards ending forced and child labour is to be effectively prosecuted it needs accurate diagnostic tools that can identify enduring problems stymieing the reform process, and longitudinal data-sets that can accurately measure in a fine-tuned manner the pace and trajectories of change. The serious

weaknesses documented in section three indicate that third party monitoring in its current design and form is not providing the diagnostic tools and data-sets required to effectively guide the reform process in Uzbekistan.

It is also important that the third party monitoring unit does not adopt a consequentialist logic, where the “ends” justify the “means”. Those who agree to provide their data to the third party monitoring team, are not tools for helping to advance the goal of ending forced labour. They are human beings with rights, dignity, and agency. Given the significant risks faced by citizens in Uzbekistan who openly contest government policy, an especially robust ethical protocol is needed in order to secure, free participation, informed consent, confidentiality, anonymity, and avoiding harm to participants or monitors. An evaluation of the 2017 harvest report suggests there have been critical failures in this respect.

Set out below are a series of recommendations designed to help remedy the shortcomings and failures observed in the 2017 harvest report. However, given the seriousness of the problems identified, the ILO should also consider establishing its own independent evaluation of the third party monitoring unit in Uzbekistan, drawing on local and international expertise in the area of forced labour, human rights, and cognate fields. This review would likely need to be married to a root and branch redesign of third party monitoring, drawing again on local knowledge and international expertise, that can ensure future iterations of third party monitoring meet the ILO’s own standards set out in section 2, and the standards elucidated in the methodological literature.

Area	Recommendations
Telephone Poll	<ol style="list-style-type: none"> <li>1. The ILO third party monitoring team should consider an alternative method to phone polls when attempting to estimate national incidences of forced labour, such as household surveys. Research teams involved in these surveys should be explicitly trained in ILO standards for conducting research on forced labour. Their independence needs to be clear and protected. All surveys should be conducted in a secure and private environment, where participants can be confident that their right to confidentiality and anonymity is protected. Adequate time should be allowed for explaining the study, obtaining informed consent and conducting the survey. However, even in these circumstances it needs to be recognized that as with many crime surveys on sensitive subjects there will be a dark figure that exceeds what is recorded in the survey data-set. In a political context such as Uzbekistan which has suffered from long-term repression, surveillance and denial of basic rights, it is extremely difficult for victims of state abuse to disclose information, especially to strangers. Therefore, attempts need to be made to factor this in, rather than simply ignoring it. Methods should be considered that would help build rapport and trust with households, drawing on best practice examples globally. Triangulation should also be employed to strengthen the validity of the data-set. An important focus could here be placed on soliciting documentary and oral data using probing investigative methods, including where available whistleblower testimony, and leaked documents.</li> </ol>
Field Interviews	<ol style="list-style-type: none"> <li>2. Field interviews must be conducted in a private setting. No government or quasi-government official should be part of the monitoring team. Adequate time must be afforded for the interview to ensure each question is understood, and meaningful answers can be provided. Where possible independent local monitors, with a strong understanding of the local context, should be used so interpreters can be dispensed with. Where interpreters are needed they should be trained appropriately. Clear and explicit consideration should be given to sample size, disaggregated by stakeholder group, to ensure they are representative. A full and more transparent account should be made of sampling method and the data-sets.</li> <li>3. Explicit attention should be paid by the ILO third party monitoring team in the planning phase to the question of free participation. Extensive consideration should be given to the different ways individuals may feel pressured to participate in interviews, with appropriate steps taken to remove factors that may reduce the ability of participants to freely consent. Distancing the monitoring team from governmental agencies, and providing potential participants with detailed information on the study would contribute towards an environment conducive towards informed consent and free participation. This requires that appropriate amounts of time are allocated to explaining the study, its purposes, and participant rights. Crucially participants must be in a position of making an informed decision, where it is clear that they will suffer no negative consequences for refusing to participate. Participant's personal data should not be collected unless the ILO has in place secure technologies through which to store the information, and consent has been given by participants. Data given by participants should not be used for purposes other than those agreed to, without first obtaining explicit consent for this new use. Child participants need to be identified at the start of the interview process, not at the end. Their right to anonymity and confidentiality should not be breached. Special protocols should be in place to ensure they are able to freely provide informed consent, and have access to a questionnaire that is expressed in terms they can readily understand.</li> </ol>

Area	Recommendations
Data-Analysis	4. Anonymised primary data-sets should be published in full on the ILO's website. Detailed analytical breakdowns of primary data should be included in the ILO third party monitoring report. A peer-review process involving international experts in the area of forced labour and human rights should be employed to strengthen data-analysis and critical reflection. Peer-reviewers should be secured through an open call, using a transparent appointment process.
Independence and Objectivity	5. A clear organizational distinction needs to be made between the entity responsible for training, capacity building, and awareness, and the entity responsible for measuring the Uzbek state's progress in eradicating forced and child labour. The teams and entities responsible for either activity should be visibly and practically distinct. The entity and team responsible for measuring progress in eradicating forced and child labour should be arms-length from government at all stages. The team should conduct themselves in public and private in a manner that would strengthen public confidence in their objectivity and independence. They should be at liberty to report their findings independently and robustly.

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